

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 Marcus Sharif McNeal,
4
5 Petitioner

Case No. 2:19-cv-00679-JAD-VCF

Order Dismissing Action

6 v.

[ECF No. 1]

7 Jerry Howell, *et al.*,
8 Respondents

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10 This habeas corpus action was initiated by Marcus Sharif McNeal, a prisoner at Nevada's
11 Southern Desert Correctional Center. McNeal filed a Petition for Writ of Habeas Corpus¹ and an
12 Application to Proceed *in Forma Pauperis*.²

13 The financial information provided with McNeal's Application to Proceed *in Forma*
14 *Pauperis* indicates that he is unable to pay the filing fee for this action, so I grant the application
15 and will not require McNeal to pay the filing fee for this action.

16 However, I dismiss this case because it is duplicative of another action he already has
17 pending before me: Case Number 2:16-cv-01618-JAD-GWF. In both that case and this one,
18 McNeal challenges his 2013 judgment of conviction in Nevada's Eighth Judicial District Court.³
19 Because this case is duplicative of his 2016 pending one, I summarily dismiss this case because
20 it is duplicative and serves no legitimate purpose. McNeal must assert any challenge to his 2013
21 convictions in already pending Case Number 2:16-cv-01618-JAD-GWF.

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25 ¹ ECF No. 1-1.

26 ² ECF No. 1.

27 ³ See Petition for Writ of Habeas Corpus (ECF No. 1-1), p. 2, ¶ 6 (McNeal acknowledges that he
28 challenges the same convictions in both cases).

1 **IT IS THEREFORE ORDERED** that the petitioner's Application to Proceed *in Forma*
2 *Pauperis* [ECF No. 1] is **GRANTED**. Petitioner is not required to pay the filing fee for this
3 action.

4 **IT IS FURTHER ORDERED** that this action is **DISMISSED**.

5 **IT IS FURTHER ORDERED** that the petitioner is denied a certificate of appealability
6 because reasonable jurists would not find this order to be debatable.

7 **IT IS FURTHER ORDERED** that the Clerk of the Court is directed to ENTER
8 JUDGMENT accordingly and CLOSE THIS CASE.

9 Dated: April 23, 2019

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11 U.S. District Judge Jennifer A. Dorsey
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